A

LETTER

TO

One of the Truſtees of the Chapel, In the CITY-ROAD,

Stating and Proving the DIFFICULTIES likely to be conſequent upon their premature

ELECTION of NEW TRUSTEES,

Contrary to the expreſs Letter of the DEED of TRUST.

By W. BICKNELL,

A Member of the Methodiſt Society.

LONDON:

Sold by Mr. G. Whitfield, at the New Chapel, City-Road; at the Chapel Grey-Eagle Street, Spitalfields; at Weſt-Street Chapel; by Mr. Kent, No. 116, Holborn; Mr. Hunt, No. 23, Broad-Street; Mr. Riedel, Crown-Street, Soho; Mr. Graham, Gravel-Lane, Wapping; and at the Chapel Snowfields,——1792

PRICE TWO-PENCE.]

TO THE

Members of the Methodiſt Society,

In LONDON.

THE following letter was ſent to one of the Truſtees of the New Chapel under the old Deed, and who had alſo ſubſcribed to the new Deed. It was merely intended to convey to him the objections that aroſe in my mind on that ſubject; but having ſhewn the copy to a friend, it was introduced, and read to the Committee of the Society, many of whom, requeſted me to publiſh it. I was the rather inclined to withhold my conſent, from a conviction of its being too incorrect for the public eye, eſpecially being an intricate queſtion which was involved in proceedings at law, and which I am by no means competent to form a proper judgment upon.

It is true it may, and indeed has been ſaid, "What buſineſs is it of yours, what right have you, to interfere in the diſputes among the Truſtees?" If any of the Truſtees choſe in a friendly way to introduce the ſubject, and put into my poſſeſſion certain papers relative thereto, (which has been done by more than one of them) ſurely a reply cannot be conſidered as infringing on any right, or even upon good manners.

But perhaps the idea maintained by thoſe perſons, partakes too ſtrongly of that *abſolute* power which ſome of the Truſtees ſeem to aim at. And I will now take the liberty of obſerving, that it is not the cauſe of individuals, nor as they pleaſe to term it, an *unlawful combination* of perſons, but the *intereſt* of every member of the Society is immediately or remotely concerned.

By whom, or for whom was the Chapel erected? Surely not for twenty or twenty-five Truſtees! The very term *Truſtee* implies the contrary.

If it is objected that the Truſtees have made *themſelves* reſponſible for the payment of the Annuities, &c. It is not ſtrictly ſo, for they are not liable to any inconvenience, except the Society with-holds their cuſtomary ſubſcriptions, and even in that caſe they may have a remedy from the valuable ſtate of the premiſes, which are worth, perhaps, four or five times the value of the Annuities with which they are incumbered.

From whatever means they became Truſtees, no doubt but by the Deed of Truſt it was intended to ſecure the Chapel for the uſe, convenience, and benefit of the members then united, and forming the Society of Methodiſts in *London*, in particular, as well as ſuch other perſons as ſhould hereafter join them, and alſo for the Security of its creditors.

But I conſider that two or three clauſes of the Truſt Deed are contrary to the true intereſt, and I fear the peace of the Society. When the vacancies in the Truſt are to be filled up, the nomination ought to be with the Society, Leaders, or Committee, and not the ſurviving Truſtees, for *their* having an abſolute power ſo to do, and not acting in conjuction with, or conſulting the Society, may appoint perſons who are diſapproved of by the Members; and their late *untimely* choice has fully proved this fact: *the* Society having repeatedly, both perſonally, and by their repreſentatives the Committee, unanimouſly expreſſed their diſapprobation thereof.

The Truſtees being legally appointed, are perpetual, notwithſtanding their religious tenets, may be changed to the reverſe of what they were, yet *their opinion* is to determine on the doctrine preached, whether it be conformable to Mr. Weſley's Sermons and Notes on the New Teſtament, which may probably be liable to as many interpretations, as ſuch perſons pleaſe to put upon the Teſtament itſelf. But that *their thoughts* or *opinions* on a perſon's doctrine or conduct, ſhould be the criterion of judgment, is rather extraordinary, ſurely ſomewhat further

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is neceſſary before a perſon's character is publicly impeached, but what power can be more arbitary and deſpotic, than for mere *thoughts* or *opinions* to combine the whole proceſs, of accuſation, trial, conviction, and expulſion.

If a complaint is alledged againſt a Preacher's doctrine or conduct, and the Stewards, Leaders, &c. of the Society appeal to the Truſtees, and the *evidence* they adduce affords ſufficient proof thereof; in ſuch caſe it becomes highly proper for them to exerciſe the power they are *intruſted* with for that purpoſe.

But are not ſome few of them intent, not only upon rigidly taking every advantage of the letter of the Deed, but alſo to aſſume a greater extent of authority than it was ever intended to convey; ſuch conduct is always irritating to public bodies of people, the ruling part of which, never fail to derive the greateſt influence, by a willing ſubmiſſion to their approbation.

Is it not a miſtake to ſuppoſe *they* have a right to exerciſe their *thinking* faculty, to the excluſion of Preachers appointed by the Conference, before they are found to tranſgreſs, either in doctrine or practice, or even before their arrival in the metropolis, yet official intimation has been given of ſuch intention.

Finding there was no appearance of an accommodation being likely to take place, and viewing the diſagreeable conſequence, that muſt neceſſarily ariſe from " brother going to law againſt brother" I took (after conſulting with ſome friends, who ſeem moderate in their attachment to both ſides and with the approbation of Mr. *Thompſon*,) the liberty of offering a plan for an amicable reconciliation, but the Truſtees, confiding in their abſolute authority, determine not to attend to, or receive any propoſitions but what originate among themſelves.

Conſidering the confined ſphere of life in which the Almighty Diſpoſer of human affairs hath placed me, perhaps there are thoſe, who may deem it arrogance to aſſume ſo much apparent conſequence, by bringing my name into public view, but this

has been affected rather by accident (or Providence) than design, intending however to promote only the interest and peace of the Society, I rest satisfied with having offered a small mite due to the memory of a venerable deceased Pastor.

Southwark, Dec. 1792. W. B.

LETTER.

Dear Sir,

I Return you thanks for the attested copy of the Deed, and the opinion of Counsel which you so obligingly sent me.—And I now take the liberty of communicating to you my sentiments thereon, more fully than opportunity permitted, when in conversation with you a few evenings since.

It would argue folly in me, to set up an opinion in opposition to eminent Counsellors, on the cases referred to them: but with all deferenc e, I would, as an individual, make a few remarks on this disagreeable subject. But not with a view to increase a breach of christian friendship, already too wide between the contending parties.

The first opinion of Counsel obtained on the plain simple question, Can the Trustees, not being reduced by death to fifteen,*

 proceed

* The number of Trustees were originally twenty-five and the words in the Deed are "that *when* and so soon as the said Trustees shall by death be reduced to the number of *fifteen*, THEN *such* surviving Trustees, or the *survivors*, or survivor of *them*, or the major part of *such* survivors, shall and will, with all convenient speed, nominate and appoint so many more persons of the said society of Methodists, to be Trustees of the said chapel and premises in the room and stead of the said deceased Trustees "And so from time to time, during the residue of the said term of fifty-nine years, and as *often* as the present or any succeeding Trustees shall by death be *reduced* to the number of *fifteen* as aforesaid, and *to*, *for*, or *upon no other use*, *trust*, *intent* or *purpose whatsoever*,"

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proceed to (elect or) fill up the vacancies? being unequivocally anſwered, that they cannot, and that a Court of Equity would ſet ſuch Election aſide, ought to ſilence all diſputes, on that ſingle point: I might here ſubjoin ſeveral reaſons, both expreſſed and implied in the Deed, why ſuch Election ſhould not take place: but I omit them at preſent. The twelve Truſtees † aware that an election could not properly take place, purſued another method, i. e by transferring *their* Title, &c. The opinion of Counſel on this point is, that the individual to whom the Aſſignment was made, was in poſſeſſion of 12—17ths of the title, ‡ and he having

not a word about any appointment before they are reduced by death to the number of fifteen.

It may reaſonably be inferred alſo that it was not intended the vacancies ſhould be filled up before they were thus reduced, from the expences which would neceſſarily be incurred, for the Deed expreſſes they "Shall by aſſignments and aſſurances in the law, ſet over and transfer the Caſe of the ſaid Chapel, Buildings, and Premiſes in ſuch manner as that the ſame may be *duly* (or equally) inveſted in the ſaid ſurviving Truſtees, and ſaid new Truſtees." And if the number was not limited to the time when they are ſo reduced, it might be done whenever a ſingle vacancy happened, which would probably put the Society to a charge of twenty pounds or upwards a year for new Truſtees. This would be ſo contrary to the œconomy almoſt conſtantly recommended by Mr. Weſley, that I cannot conceive how any member of his Society can adopt the idea.

† The ſurviving Truſtees are now ſeventeen. Twelve of whom appointed eight other perſons to fill up the vacancies of the eight deceaſed Truſtees, the other five Truſtees oppoſed this as an illegal appointment of new Truſtees, in conſequence I preſume of their making reſolutions which were inimical to the intereſt of the Society and the general plan of Methodiſm.

‡ A Counſellor whom the Truſtees applied to for his opinion on their new Deed gives it in the following words.

"On the 28th of March 1792 Twelve of the Seventeen ſurviving Truſtees by a new Deed aſſigned the term to Mr. Milbourne; on the 30th of March he aſſigned the term to the twelve (former) "Truſtees, and to eight other perſons Elected to be Truſtees in the place of thoſe who are dead." I apprehend that twelve undivided ſeventeenth parts of the *term*, paſſed to Milbourne, and from him, to the twelve of the ſeventeen ſurviving Truſtees, and the eight new Truſ-

having re-aſſigned this title to twenty perſons *they* are now poſſeſſed of the ſame *quantum*; which together with the remaining Five Truſtees, compriſe the whole property in the term at law in ſeventeen parts, and is now veſted in twenty-five perſons.

That the Truſtees, or perhaps any individual of them, may transfer their right, as *Tenants* or *Leſſees* to any other perſon or perſons, is not for me to deny;—but Sir, However legal ſuch a tranſaction may be, I am inclined to think, it involves ſuch difficulties, and creates ſuch a ſyſtem of confuſion, that in Equity, it cannot be admitted.

Firſt, I conceive the original Truſtees, are inveſted with certain powers, and privileges, which it is impoſſible they can transfer, or delegate to any other perſon, any more than a perſon elected to hold a public office, can transfer the rights, &c. of ſuch office, to another perſon: ſecondly. If the Aſſignment lately made, can be juſtified, a ſimilar tranſaction may *at any time* take place, at the will or caprice of a majority. And the Rights, Powers, and Privileges of ſuch Majority, be veſted in an Individual, and if that Individual, can legally be poſſeſſed of ſuch powers, &c. for two days§, why not for two years? But ſuppoſe the perſon ſo inveſted, with all the powers, &c. of the majority had died before the re-aſſignment was made, would not all ſuch powers, &c. then devolve to the five remaining Truſtees? Again. Suppoſe the individual to whom ſuch aſſignment was made, ſhould ſurvive, and *retain* poſſeſſion of thoſe powers, &c. with which he is inveſted; would not ſuch individual have in his

tees, and the remaining five undivided ſeventeen parts remain in the five Truſtees. Another of their Counſel ſays "the twelve ſeventeeth *parts* which were veſted in the twelve Truſtees who executed the aſſignment of the 28th of March are now become veſted in the twenty Truſtees who are parties to the Deed of the 30th of March and the remaining five ſeventeenths ſtill continue veſted in the other five Truſtees." Query was there on the 29th of March any more than five Truſtees beſides Milbourne, who during the interegnum was, (they ſay,) twelve *valid* and *legal Truſtees*.

§ i. e. From the 28th. to the 30th. of March.

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own perſon, a majority of the powers of the Truſtees? Again, If an aſſignment can legally be made to an individual, and that individual re-aſſign his powers, &c. to twenty perſons, why not to two hundred, or *any* number of perſons; and have not the remaining five Truſtees an equal power to aſſign, or transfer their rights, &c. ſo as to inveſt it in an equal number of perſons, with thoſe appointed by the twelve original Truſtees? Thirdly, The Truſt, both before and ſince the new aſſignment, conſiſt of ſeventeen parts, when two of theſe parts ceaſe by death to exiſt, the Truſtees, or a majority of them, may legally proceed to an election of *ten* perſons, to fill up the *ten* vacancies, for the Truſt, to conſiſt of twenty-five perſons, holding twenty-five parts. The twelve old and eight new Truſtees are individually, only three fifths of a Truſtee, therefore ſuppoſe the five minority Truſtees, ſhould ſurvive, four of the twenty Truſtees under the new Deed muſt die before the Truſt *parts* will be reduced to fifteen. Four of them being dead, the ſurviving Truſt will then conſiſt of fourteen and three fifth parts, therefore at this period, an election for new Truſtees may take place.

But no election can be made under the preſent circumſtances, which will exactly fill the vacancies, ſo as to veſt it in twenty-five perſons; nor, with any degree of probability, will any *ſingle*, or *number* of deaths ever happen, whereby (during the exiſtence of ſuch new Deed,) ſuch vacancies can occur, or election be made, ſo as that the Truſt, ſhall at any time conſiſt of twenty-five perſons of twenty-five equal parts.

I have heard it ſaid by ſeveral perſons, ſuppoſe the twenty gentlemen were to cancel their new Deed, and an accommodated election take place, by the Society nominating four, and the Truſtees four perſons. Perhaps if the new Deed were canceled, it would be a grand ſtep towards an effectual, accommodation, but ſuch election, at the preſent period, I think would not be well. For I conceive, (if the opinion of Counſel is right,) that no election can take place, till they are reduced to fifteen, therefore any prior election will not be good, for it will be neceſſary

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in a new Deed, to ſpecify by what means, the new Truſt become intitled to their authority, their unanimous conſent therefore will not ſignify, for they cannot exerciſe a power, which they are not inveſted with, and while there is ſeventeen ſurviving Truſtees, ſuch power of election does not exiſt.

The preſent new Deed cannot be equitable, nor in ſome reſpect can it be legal. For a Truſtee transferring more than a twenty-fifth part of the whole truſt, conveys away, not only his own original right, but an accidental right which only belongs to him proviſionally, and in which caſe, the acceptor, is abſolutely poſſeſſed of a right, which could not be legally conveyed to him. For inſtance, the Truſtees were originally twenty-five, who were inveſted with certain powers, and privileges, beſides what reſpects them as Leſſees, Tenants, &c. and when the firſt Truſtee died, a twenty-fifth part of ſome of thoſe powers, devolved proviſionally to the ſurvivors, and which powers are increaſed by the death of each Truſtee. Eight of them being now dead, each of the ſurvivors poſſeſs near five tenths additional powers, which I conceive, cannot by any means be tranferred.‖

That the ſurviving Truſtees, loſe thoſe additional powers, acquired on the demiſe of the reſt, when a legal election takes place, is evident, for then if the majority elect, the minority may be compelled to accede to ſuch Election: but in the preſent inſtance, they cannot be compelled, becauſe it is not a legal Election.

‖ There was a confidential Truſt power veſted in the *opinion* of the original Truſtees, reſpecting the doctrine, &c of Preachers at the New Chapel, it may be queſtioned, can they diveſt themſelves of that Truſt authority. Some of the Truſtees have frequently expreſſed a deſire to be freed from their office, but they have as often declared it was impracticable, this part of the Truſt power perhaps is not transferable, if viewed as being diſtinct from the legal part. If they could not diveſt themſelves of this confidential power, Mr. Milbourne could not be poſſeſt of it, and by the ſame rule he could not inveſt the eight new Truſtees therewith. Theſe, as well as many other obſervations that have been made, may very probably be different from the opinions of perſons converſant in the law.

Suppoſe

Suppoſe a Truſtee to die, who has executed any Bonds, &c. and ſuppoſe all the ſurvivors became inſolvent, would not the Executors of ſuch deceaſed Truſtee, be liable to any demands on the Truſt Premiſes, and notwithſtanding the inſolvency of ſuch ſurviving Truſtees, would they not have a right to exerciſe certain powers, inveſted in them by the Deed ?

Many other remarks might be made on the circumſtances, that might effect the new Deed, but perhaps you think thoſe already advanced are frivolous : be that as it may, they are ſuch as will afford ſufficient amuſement, for the Gentlemen of the Robe to whom you have reſorted.

You have ſaid, what have the Truſt done, to merit the diſeſteem of the Society ? We mean only to act for their good, and the general welfare of Methodiſm. But is it not neceſſary to adopt ſome means to convince them thereof.

To take a retroſpective view of their general conduct from the beginning. They ought to have complied with the terms and orders of the Deed, from their firſt acceptance of it. Inſtead of which, I underſtand, a ſufficient number could ſeldom be convened, to tranſact buſineſs, and thoſe gentlemen who generally attend at moſt of their meetings lately, were thoſe that gave the leaſt attendance when their preſence was more immediately neceſſary. And the chief management of the moſt important concerns, was left to the care of thoſe who are now the minority. Had a regular attendance, been obſerved in Mr. *Weſley's* life-time, there undoubtedly would have been too much chriſtian friendſhip and unanimity, both among yourſelves, and the Society at large, to be ſo ſoon forgotten.

I conceive it was highly imprudent to chooſe perſons with a view of filling up the vacancies of the Truſt, while diſputes of another kind was prevailing, and particularly to fix on thoſe perſons, who to a man, eſpouſed the Cauſe of *one*, whom by far the greater part of the Society believed to be acting wrong.

The affairs of the Society has, I believe ever been conducted by perſons annually appointed for certain offices. If the Truſtees had

had never given themſelves any concern how this buſineſs was executed or intereſted themſelves therein, why for the name of goodneſs are they ſo wonderfully afraid of its continuing in its uſual channel; and with what degree of truth, can it be ſaid, the revenues of the Chapel are *violently ſeized upon and wreſted* from thoſe, in whoſe hands it was never in.

In another point of view, I conſider the preſent proceedings, as inimical to the general plan of Methodiſm. 1. I conceive a number of perſons uniting together to the formation of a Society. 2. A Plan of accommodation for them to attend the ordinances. A houſe built partly by ſubſcrpitions, partly by borrowing money on intereſt. 3. The Society managed in its temporal concerns, by perſons appointed, or approved by their Miniſter. 4. In order, that the houſe may be ſecured from innovations, or wreſted from the Society, as well as the ſecurity of annuitants, a number of perſons are introduced into the Deed, as Truſtees. That in caſe any of them ſhould be otherwiſe minded, the reſt may be a check on their conduct.

But I do not believe that Mr. *Weſley* ever intended that Truſtees, conſidering them as ſuch, ſhould rule and manage the affairs of the Society, but that the Society might have, in the Truſt, a reſort by which their privileges may be protected.

I fear the Truſt will have ſome difficulty, to perſuade any conſiderable number of the Society, that they mean to act for their general intereſt, except they recede from the meaſures already purſued.

I have perhaps already tired your patience, I therefore conclude, by requeſting you would ſeriouſly conſider the conſequences, that muſt inevitably enſue by hoſtile proceedings, and earneſtly recommend, that ſome probable means of reconciliation be propoſed: and the parties no longer (under falſe or imaginary pretences) kept from meeting each other, that they may openly and candidly conſider thereof. Conſider how the memory of our deceaſed Father, is wounded by contention, ſtrife and diviſion, and how will his children ſuffer. And the Prince

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of the Power of the Air triumph. Can no propoſitions be made that is likely to contribute to this end? Can no coalition take place? Are there none who are wiſe and prudent, without bringing your cauſe before the ungodly? *Where* is the love that beareth all things, believeth all things, hopeth all things, and endureth all things?

Dear Sir, If I have advanced any thing unjuſt, or uncharitable, I truſt, I am open to conviction, and wiſhing you ſeriouſly to lay theſe things to heart, I remain your affectionate, junior brother in the Goſpel of Peace.

October. 1792.

P. S. I wiſh to make another remark. The Counſellors were agreed that the ſituation of the Truſt is twelve ſeventeenths; ſuppoſing the new Deed to be valid, and that the *whole* compleat power of the twelve is now veſted in twenty perſons, I beg to propoſe the following queries: Firſt. When the individual to whom 12-17ths was conveyed, and while in poſſeſſion of that majority of power, could he legally tranſact buſineſs as poſſeſſing a majority of the Truſt authority? Secondly, When he had aſſigned this power over to twelve perſons, is it neceſſary that a majority of the Truſt powers, as well as a majority of perſons be preſent to tranſact buſineſs?

If a majority of power, without a majority of perſons could in the firſt inſtance tranſact buſineſs, would it not be abſurd to ſuppoſe that a majority of power, as well as a majority of perſons is not neceſſary in the other.

Again, The Truſt now *ſuppoſed* to conſiſt of twenty-five perſons, but who nevertheleſs are comprized in only ſeventeen parts, and as the original Deed empowers that *ſo ſoon* as they are reduced to fifteen, they are to elect ten perſons, to fill up the ten vacancies of thoſe deceaſed, and as the election muſt then conſiſt of ten equal twenty-five parts of the whole, I ſhould be glad to know how, or in what way ſuch election, can *ever* take place, and if it cannot, is not the original Deed violated?

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Many other remarks I find multiplying upon me, but I forbear, and only make one more. It has been ſaid by ſeveral perſons, as well as yourſelf, that although the Deed empowers the ſurvivors, when reduced to the number of fifteen, to elect ten perſons to fill up the vacancies; yet, it does not preclude an election prior to that period.

Query. At any time when an election can *legally* take place to fulfil the purpoſes of the Deed; is not the majority of the Truſt, (being legally aſſembled) fully competent thereto, and in ſuch caſe cannot the minority be compelled to accede to ſuch election, or in caſe they refuſe, are they not liable to be removed?

It appears clear to me, that if the majority concurring in ſuch Election, cannot compel the minority to accede in this reſpect to a determination of the majority, that ſuch an Election, cannot be good and compleat.

There can be no doubt, but a legal and proper Election muſt obtain an equality of powers, but ſuppoſing the new Deed to be valid and good, it renders an *equality* utterly impoſſible, for the twelve old, and eight new Truſtees who ſubſcribed thereto, are each now, only a three fifth part, nor can they ever, by ſuch Deed be in poſſeſſion of an equal power individually, with thoſe Truſtees who have not ſubſcribed to it.

F I N I S.

LAW SUIT.

The Truſtees inſtituted a ſuit in the Court of Exchecquer againſt their Brethren, with an intention, as ſome of them have ſaid, of determining by a ſpeedy Proceſs, the Legality of the new Election; but inſtead of bringing this point to iſſue, it went (as ſeveral perſons who were preſent when the Cauſe was argued teſtify,) merely to prove, that a Majority of Truſtees under the old Deed have a right, if the Revenues of the Chapel are inſufficient, to demand rent from the perſons occupying any part of the Chapel Premiſes; but even in this caſe, the Court determined, that as the Plaintiffs have taken other perſons into their deliberations, i. e. the Eight new Truſtees, they muſt indemnify the other five Truſtees."

It was alſo obſerved, "That it was wrong for them to bring the cauſe into that Court; the Court of Chancery being the proper place to determine upon it."

But a remark was made by the Court to this effect, "That when the Truſtees are reduced to fifteen, it would have been binding on them to elect; or in neglect thereof, they would have broken the terms of the Truſt; but if they are *all* agreed before they are ſo reduced, *perhaps*, the election may be good."